IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

Tr.P(Crl.).No. 4 of 2007()

CC.395/2003 of J.M.F.C.,PALA

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PETITIONER: COMPLAINANT

MALABAR CHIT FUNDS (PVT.) LTD.,
3RD FLOOR, JAYANTHI BUILDINGS, CALICUT,
REPRESENTED BY P. SATHER, MANAGING DIRECTOR.

BY ADV. SRI.A.AHZAR

RESPONDENTS: STATE & ACCUSED

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1. THE STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. K.SOMAN, AGED 29, S/O. GOPALAN,
VAYALIL HOUSE, KOTTOOR-X, VAKAYAD P.O.,
NADUVANNUR, CALICUT.

R1 BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS TRANSFER PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON 19/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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T.P.(Crl.)No. 4 of 2007

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Dated this the 19th day of February, 2007

O R D E R

The petitioner is the complainant in a prosecution under Section 138 of the N.I. Act. The second respondent is the accused. The petitioner has his office at Calicut and the second respondent resides at Calicut. Proceedings under Section 138 of the N.I. Act were initiated at Pala, where the complainant had a branch office earlier. This petition is filed for transfer of C.C.No. 395 of 2003 pending before the Judicial First Class Magistrate - I, Pala to the Court of Judicial First Class Magistrate -I, Calicut.

2. The learned counsel for the petitioner submits that the transfer of the case to the Court at Calicut would advance the interests of convenience of both the petitioner/complainant and the second respondent/accused.

2. The respondent has been served. There is no appearance for the second respondent. I must, in these circumstances, assume that the second respondent/accused has no objection against the proposed transfer and the transfer shall advance the interests of both parties.

3. This transfer petition is, in these circumstances, allowed. C.C. No. 395 of 2003 pending before the Court of Judicial First Class Magistrate -I, Pala is transferred to the Court of the Judicial First Class Magistrate -I, Calicut. The parties shall appear before that Court on 26.3.2007. The learned Judicial First Class Magistrate - I, Pala shall forthwith forward the records to the Judicial First Class Magistrate -I, Calicut and shall direct the parties to appear before that Court on 26.3.2007.

(R. BASANT)
Judge

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